

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BELINDA J. MATONAK,

Plaintiff,

v.

HALLMARK MANAGEMENT, INC.,

Defendant.

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CIVIL ACTION NO:

JURY TRIAL DEMANDED

COMPLAINT

Comes Now, Plaintiff, Belinda J. Matonak, and files her Complaint against the above-named Defendant on the following grounds:

INTRODUCTION

1.

This is an action brought pursuant to the Fair Labor Standards Act (hereinafter referred to as the "FLSA"), codified at 29 U.S.C. § 201 *et seq.*, for violations of overtime wage laws.

JURISDICTION

2.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.

3.

The Plaintiff is an "employee" as defined by 29 U.S.C. § 203(e).

4.

Defendant is an "employer" in an industry affecting commerce as defined by 29 U.S.C. § 203(d).

5.

Defendant is a Georgia corporation doing business within the State of Georgia, maintaining its corporate and principal office at 3111 Paces Mill Road, Suite A-250, Atlanta, Cobb County, Georgia 30339. This Court has personal jurisdiction over Defendant.

VENUE

6.

Defendant resides within the Atlanta Division of the Northern District of Georgia. All action alleged herein occurred within the Atlanta Division of the Northern District of Georgia. Venue in the Atlanta Division of Northern District of Georgia is proper for the Defendant under 28 U.S.C. § 1391(b) and (c).

THE PARTIES

7.

The Plaintiff is a female citizen of the United States who resides in Cobb County, Georgia.

8.

Defendant is a for-profit Georgia corporation doing business within the State of Georgia and is subject to the jurisdiction of this Court.

9.

Defendant may be served with summons and process by service upon Martin H. Petersen, its Chief Executive Officer and registered agent at Defendant's principal address and registered agent address at 3111 Paces Mill Road, Suite A-250, Atlanta, Cobb County, Georgia 30339.

FACTS

10.

From approximately October 5, 2009, until approximately January 18, 2013, the Plaintiff was employed with Defendant as an Administrative Assistant.

11.

Throughout her employment, the Plaintiff was paid a salary as an overtime exempt FLSA employee.

12.

In her position of Administrative Assistant, the Plaintiff's duties were administrative duties consisting of assisting regional manager and property managers, sorting mail, monitoring termite and laundry contracts for expiration, making travel arrangements, filing, monitoring office equipment for paper and necessary toner, monitoring response letters to government agencies and residents for timeliness, grammar, and spelling, and completing weekly activity reports.

13.

All of the Plaintiff's duties were administrative duties.

14.

The administrative duties performed by the Plaintiff did not require the exercise of discretion or independent judgment.

15.

The Plaintiff's duties are not FLSA exempt duties.

16.

Throughout her employment, the Plaintiff routinely worked greater than forty (40) hours per week in her employment with Defendant.

17.

Throughout her employment, the Plaintiff was not been paid hourly wages and overtime wages for the hours that she has worked in excess of forty (40) hours per week.

18.

Throughout her employment, the actual job duties performed by the Plaintiff were not exempt under the FLSA.

19.

Plaintiff is due retroactive payments and liquidated damages for hourly wages and overtime wages for hours worked beyond forty (40) hours per week.

COUNT ONE: FLSA FAILURE TO PAY OVERTIME WAGES

20.

Plaintiff incorporates herein paragraphs 1 through 19 of her Complaint.

21.

The job duties performed by Plaintiff while employed with Defendant are not exempt job duties under the overtime provisions of the FLSA.

22.

Defendant has failed to pay Plaintiff one and one-half times the regular rate of pay for all hours worked in excess of

forty (40) hours per week, in violation of 29 U.S.C. § 207(a)(1).

23.

Defendant's conduct entitles Plaintiff to the amount of her unpaid overtime compensation.

24.

Defendant's conduct is not grounded in good faith and on reasonable grounds, thereby entitling the Plaintiff to liquidated damages pursuant to 29 U.S.C. § 260.

PRAYER FOR RELIEF

25.

Wherefore, the Plaintiff prays for a judgment as follows:

1. That the Court grant full back pay for unpaid hourly wages and overtime wages owed to the Plaintiff;
2. That the Court grant Plaintiff liquidated damages under the FLSA;
3. That the Court grant Plaintiff all employment benefits she would have enjoyed had she not been retaliated against;
4. That the Court grant Plaintiff expenses of litigation, including reasonable attorneys' fees, pursuant to the FLSA and/or 42 U.S.C. § 1988;
5. That the Court grant Plaintiff a jury trial;

6. That the Court grant Plaintiff all other relief the Court deems just and proper; and,

7. That the Court grant temporary, preliminary, and permanent injunctive relief prohibiting Defendant from engaging in further violations of the FLSA.

Respectfully submitted this 21st day of October 2013.

THE REDDY LAW FIRM, P.C.

s/K. Prabhaker Reddy
K. PRABHAKER REDDY
Attorney at Law
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Please serve:

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